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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,341	09/27/2001	Samir S. Soliman	010427	3719

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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01/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/965,341	Applicant(s) SOLIMAN, SAMIR S.	
	Examiner Yuwen Pan	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 21-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/16/05 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 21, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenney et al (US006009129A, hereinafter Kenny).

Per claim 1, Kenney discloses a communication receiver (see figure 3), comprising: a low pass filter that filters a base band signal to produce on channel received samples by removing out-of-channel (IMD) from the baseband signal (see figure 3 and items 312 and 313, column 6 and lines 52-65); a processor that processes said based band signal to produce out-of-channel received samples (see figure 3 and item 330, column 11 and lines 44-64).

Same arguments apply, *mutatis mutandis*, to claims 21, and 29.

Per claim 3, Kenney further teaches that a frequency source (see figure 3 and item 314) that generate a first signal at essentially the same frequency as an on-channel frequency; and a multiplier (see figure 3 and item 307) that mixes an amplified received signal and the first signal to produce to base band signal.

Per claim 4, Kenney further teaches that a low noise amplifier (see figure 3 and item 305) received signal comprising an on-channel and out-of-channel signals.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5, 22-28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney in view of Soliman (US006321090B1).

Per claim 2, Kenney teaches processes said on-channel and-out-channel received samples essentially at the same time to decode said on-channel received samples (see figure 3, see column 7 and lines 8-65) and determine link quality whether under the interference of IMD. Kenney does not teach determining a GPS originate information.

Soliman discloses mobile unit receives a GPS data (see column 2 and line 52- column 3 and line 15).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combining the teaching Soliman with Horner's method such that position of selective base station is determined for better hard handoff.

Same arguments apply, *mutatis mutandis*, to claims 25, 31, .

Per claim 5, Kenney further teaches the receiver back-end portion comprises: a number of fingers and a searcher for processing said on-channel and out-of-channel received samples (see figure 3 and items 316, 317 and 319).

Same arguments apply, *mutatis mutandis*, to claims 28.

Per claim 22, Kenney discloses a communication receiver, comprising: a low noise amplifier (see figure 3 and item 3 and item 305 that amplifies a received signals with on channel signal and out-of-channel signals; a synthesizer (see item 314); a multiplier (see item 307); a low pass filter (see items 310 and 311); a processor that processes said base band signal to produce signal to produce out-of-channel received samples. Kenney does not teaches that the received samples can be used to search for pilots of candidate frequencies. Soliman discloses mobile unit receives a GPS data (see column 2 and line 52- column 3 and line 15).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combining the teaching Soliman with Horner's method such that position of selective base station is determined for better hard handoff.

Same arguments apply, *mutatis mutandis*, to claim 23, 24, and 32.

Per claim 26, Kenney further teaches that a frequency source (see figure 3 and item 314) that generate a first signal at essentially the same frequency as an on-channel frequency; and a multiplier (see figure 3 and item 307) that mixes an amplified received signal and the first signal to produce to base band signal.

Per claim 27, Kenney further teaches that a low noise amplifier (see figure 3 and item 305) received signal comprising an on-channel and out-of-channel signals.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Yuwen Pan
January 22, 2008